

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA §  
§  
*Plaintiff*, §  
§  
v. § CASE NO. 7:20-CV-066  
§  
0.501 ACRES OF LAND, MORE OR §  
LESS, SITUATE IN HIDALGO COUNTY, §  
STATE OF TEXAS; AND JOHNNY R. §  
HART AND JENNIFER L. HART, *ET AL* §  
§  
*Defendants*. §

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: *s/J Alexander N. Dergarabedian*  
**ALEXANDER N. DERGARABEDIAN**  
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Attorney in Charge for Plaintiff

# **SCHEDULE**

# **A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, which appropriated the funds that shall be used for the taking.

# **SCHEDULE**

# **B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# **SCHEDULE**

# **C**

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2206

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.102

**BEING** a 0.102 acre tract (4,455 square feet) parcel of land, more or less, being a part of Lot 11 of the unrecorded Riverside Subdivision A, recorded in Document No. 656429, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Johnny and Jennifer Hart, said 0.102 acre tract (4,455 square feet) parcel of land being more particularly described as follows;

**COMMENCING:** at a found 3-1/2" Brass Cap Monument having a coordinate value of N=16584138.731, E=1039118.825, said point being the northwest corner of Lot 10 of the unrecorded Riverside Subdivision A, recorded in Document No. 2985143, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Series 2-River Property, a series of Beneficium Series, LLC, said point being the southwest corner of Lot 11 of the unrecorded Riverside Subdivision A and the southwest corner of said Johnny and Jennifer Hart tract;

**THENCE:** N 71°29'25" E, along the north line of said Series 2-River Property, a series of Beneficium Series, LLC tract and the south line of said Johnny and Jennifer Hart tract, a distance of 487.24 feet to a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2203-1=RGV-MCS-2206-1" for the **POINT OF BEGINNING**, said point having a coordinate value of N=16584293.413, E=1039580.858 and being the southwest corner of the herein described proposed acquisition tract, said point also being N 25°04'26" W, a distance of 7247.46 feet from the United States Corps of Engineers Control Point "H122";

**THENCE:** N 15°09'33" W, departing the north line of said Series 2-River Property, a series of Beneficium Series, LLC tract and the south line of said Johnny and Jennifer Hart tract, a distance of 125.07 feet to a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2206-2=RGV-MCS-2207-1" for the northwest corner of the herein described proposed acquisition tract, said point being on the north line of said Lot 11 and the north line of said Johnny and Jennifer Hart tract, said point also being on the south line of Lot 12 of the unrecorded Riverside Subdivision A, recorded in Document No. 1459757, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Johnny and Jennifer Hart;

**THENCE:** N 71°47'01" E, along the said north line of said Lot 11 and the south line of said Lot 12 of the unrecorded Riverside Subdivision A, a distance of 11.16 feet to a found 1/2" rebar designated "RGV-MCS-2202-11= RGV-MCS-2206-2A= RGV-MCS-2207-4" for the southeast corner of said Lot 12 of the unrecorded Riverside Subdivision A, Johnny and Jennifer Hart tract, said point being on the west line of levee easement (739-H), recorded in Volume 609, Page 492, Deed Records of Hidalgo County (D.R.H.C.), Texas, conveyed to the United States of America;

**THENCE:** N 71°47'01" E, departing the west line of said levee easement (739-H) and along the common line between said Lot 11 and Lot 12 of the unrecorded Riverside Subdivision A, a distance of 22.40 feet to a point designated "RGV-MCS-2202-10=RGV-MCS-2206-3" for the northeast corner of the herein described proposed acquisition tract, said point being on the east line of said levee easement (739-H) and the west line of a tract of land, recorded in Volume 752, Page 342, Deed Records of Hidalgo County (D.R.H.C.), Texas, conveyed to the Hidalgo County Water Control and Improvement District No. 19, said point also being the northeast corner of said Lot 11 and the southeast corner of said Lot 12 of the unrecorded Riverside Subdivision A;

**THENCE:** S 17°07'21" E, departing the north line of said Lot 11 and the south line of said Lot 12, along the east line of said levee easement (739-H), the east line of said Lot 11, and the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, a distance of 124.72 feet to a point designated "RGV-MCS-2202-9=RGV-MCS-2203-2=RGV-MCS-2206-4" for the southeast corner of the herein described proposed acquisition tract, said point being the

northeast corner of a levee easement (738-H), recorded in Volume 609, Page 479, Deed Records of Hidalgo County (D.R.H.C.), Texas, conveyed to the United States of America and the southeast corner of said levee easement (739-H), said point being the southeast corner of said Lot 11, Johnny and Jennifer Hart tract and the northeast corner of Lot 10 of the unrecorded Riverside Subdivision A, said point also being the northeast corner of a tract of land, recorded in Document No. 2985143, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Series 2-River Property, a series of Beneficium Series, LLC.;

**THENCE:** S 71°29'25" W, departing the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, the east line of said levee easement (739-H), and along the south line of said Johnny and Jennifer Hart tract, the north line of said Series 2-River Property, a series of Beneficium Series, LLC. tract, the north line of said levee easement (738-H), and the south line of said levee easement (739-H), passing at 24.00 feet a found 6" pipe filled with concrete, said point being on the southwest corner of said levee easement (739-H) and the northwest corner of said levee easement (738-H), in total a distance of 37.85 feet to the **POINT OF BEGINNING** and containing 0.102 acre tract (4,455 square feet) of land, more or less.

**SCHEDULE C (CONT'D)**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2207

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.028

**BEING** a 0.028 acre tract (1,198 square feet) parcel of land, more or less, being a part of a called 1.08 acre tract, being a part of Lot 12 and Lot 13 of the unrecorded Riverside Subdivision A, recorded in Document No. 1459757, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Johnny and Jennifer Hart, said 0.028 acre tract (1,198 square feet) parcel of land being more particularly described as follows;

**COMMENCING:** at a found 3-1/2" Brass Cap Monument having a coordinate value of N=16584138.731, E=1039118.825, said point being the northwest corner of Lot 10 of the unrecorded Riverside Subdivision A, recorded in Document No. 2985143, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Series 2-River Property, a series of Beneficium Series, LLC, said point being the southwest corner of Lot 11 of the unrecorded Riverside Subdivision A, recorded in Document No. 656429, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Johnny and Jennifer Hart;

**THENCE:** N 71°29'25" E, along the north line of said Series 2-River Property, a series of Beneficium Series, LLC tract and the south line of said Johnny and Jennifer Hart tract, recorded in Document No. 656429, a distance of 487.24 feet to a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2203-1=RGV-MCS-2206-1", said point being on the common line of said Lot 10 and Lot 11 of the unrecorded Riverside Subdivision A;

**THENCE:** N 15°09'33" W, departing the north line of said Series 2-River Property, a series of Beneficium Series, LLC tract and the south line of said Johnny and Jennifer Hart tract, recorded in Document No. 656429, a distance of 125.07 feet to a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2206-2=RGV-MCS-2207-1" for the **POINT OF BEGINNING**, said point having a coordinate value of N=16584414.134, E=1039548.151 and being the southwest corner of the herein described proposed acquisition tract, said point also being N 25°54'24" W, a distance of 7370.70 feet from the United States Corps of Engineers Control Point "H122", said point being on the north line of said Johnny and Jennifer Hart tract, recorded in Document No. 656429, said point also being on the south line of a called 1.08 acre tract, being a part of Lot 12 and Lot 13 of the unrecorded Riverside Subdivision A, recorded in Document No. 1459757, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Johnny and Jennifer Hart;

**THENCE:** N 18°09'56" W, departing the north line of said Johnny and Jennifer Hart tract, recorded in Document No. 656429, passing at 68.71 feet the north line of said Lot 12, in total a distance of 94.94 feet to a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2202-14=RGV-MCS-2207-2" for the northwest corner of the herein described proposed acquisition tract, said point being on the north line of said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757 and the southerly line of a tract of land, recorded in Volume 752, Page 342, Deed Records of Hidalgo County (D.R.H.C.), Texas, conveyed to the Hidalgo County Water Control and Improvement District No. 19;

**THENCE:** N 71°48'15" E, along the north line of said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757 and a southerly line of said Hidalgo County Water Control and Improvement District No. 19 tract, a distance of 14.05 feet to a found 1/2" rebar designated "RGV-MCS-2202-13=RGV-MCS-2207-3" for the northeast corner of the herein described proposed acquisition tract, said point being the northeast corner said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757, said point also being on the west line of said Hidalgo County Water Control and Improvement District No. 19 tract and the west line of a levee easement (740-H), recorded in Document No. 1947-3250, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to the United States of America;

**THENCE:** S 16°29'30" E, departing the southerly line of said Hidalgo County Water Control and Improvement District No. 19 tract, the north line said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757, and along the west line of said levee easement (740-H), and the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, a distance of 26.24 feet to a found 5/8" rebar designated "RGV-MCS-2202-12=RGV-MCS-2207-4" for an angle point, said point being the southwest corner of said levee easement (740-H) and the northwest corner of a levee easement (739-H), recorded in Volume 609, Page 492, Deed Records of Hidalgo County (D.R.H.C.), Texas, conveyed to the United States of America, said point also being on the common line between Lot 12 and Lot 13 of the unrecorded Riverside Subdivision A;

**THENCE:** S 16°23'34" E, departing the north line of Lot 12 of the unrecorded Riverside Subdivision A, and along the west line of said levee easement (739-H) and the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, and the east line of said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757, a distance of 68.74 feet to a found 1/2" rebar designated "RGV-MCS-2202-11=RGV-MCS-2206-2A=RGV-MCS-2207-5" for the southeast corner of the herein described proposed acquisition tract, said point being the southeast corner of said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757, said point also being on the north line of said Johnny and Jennifer Hart tract, recorded in Document No. 656429 and the west line of said levee easement (739-H);

**THENCE:** S 71°47'01" W, departing the east line of said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757, the west line of said levee easement (739-H), and the west line of said Hidalgo County Water Control and Improvement District No. 19 tract, and along the south line of said 1.08 acre tract conveyed to Johnny and Jennifer Hart, recorded in Document No. 1459757 and the north line of said Johnny and Jennifer Hart tract, recorded in Document No. 656429, a distance of 11.16 feet to the **POINT OF BEGINNING** and containing 0.028 acre tract (1,198 square feet) of land, more or less.

**SCHEDULE C (CONT'D)**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2207-1

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.371

**BEING** a 0.371 acre tract (16,180 square feet) parcel of land, more or less, being out of Lots 2, 3 and a part of Lot 4 of the unrecorded Riverside Subdivision A, recorded in Document No. 820043, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Johnny and Jennifer Hart, said 0.371 acre (16,180 square feet) parcel of land being more particularly described as follows;

**BEGINNING** at a found 1" iron pipe, designated "RGV-MCS-2207-1-1=RGV-MCS-2209-1-1" having a coordinate value of N = 16583509.568, E = 1039775.129 for the northwest corner of the herein described proposed acquisition tract, said point being the on the north line of said Johnny and Jennifer Hart tract and the south line of called 2.70 acre tract, recorded in Document No. 2014-2569340, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Klub Nautique, LLC., said point also being N 26°27'37" W, a distance of 6457.05 feet from United States Corps of Engineers Control Point No. H122;

**THENCE:** N 73°16'29" E, passing at 30.49 feet, the west line of a levee easement (736-H), recorded in document No. 1942-19357, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to the United States of America, in total a distance of 57.97 feet to the northeast corner of the herein described proposed acquisition tract, designated "RGV-MCS-2202-5=RGV-MCS-2207-1-2= RGV-MCS-2209-1-5", said point being the northeast corner of said Johnny and Jennifer Hart tract and the southeast corner of said Klub Nautique, LLC tract, said point also being on the east line of said levee easement (736-H), said point also being on the west line of a tract of land, recorded in Volume 752, Page 342, Deed Records

of Hidalgo County, Texas, conveyed to Hidalgo County Water Control and Improvement District No. 19;

**THENCE:** S 14°34'46" E, along the east line of said Johnny and Jennifer Hart tract and the east line of said levee easement (736-H) and the west line of said Hidalgo County Water Control and Improvement District No. 19, passing at 66.65 feet, the southeast corner of said Lot 4 and the northeast corner of said lot 3, in total a distance of 82.05 feet to an angle point, designated "RGV-MCS-2202-4=RGV-MCS-2207-1-3";

**THENCE:** S 13°32'31" E, along the east line of said Johnny and Jennifer Hart tract and the east line of said levee easement (736-H) and the west line of said Hidalgo County Water Control and Improvement District No. 19, passing at 110.18 feet, the southeast corner of said Lot 3 and the northeast corner of said Lot 2, in total a distance of 234.78 feet to the southeast corner of the herein described proposed acquisition tract, designated "RGV-MCS-2202-3= RGV-MCS-2207-1-4= RGV-MCS-2224-1-4", said point being the southeast corner of said Johnny and Jennifer Hart tract and the northeast corner of a surveyed 0.150 acre tract, recorded in Document No. 1921-1320498, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to John H. Shary, said point also being the southeast corner of said levee easement (736-H) and the northeast corner of a levee easement (735-H), recorded in Document No. 1945-6186, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to the United States of America;

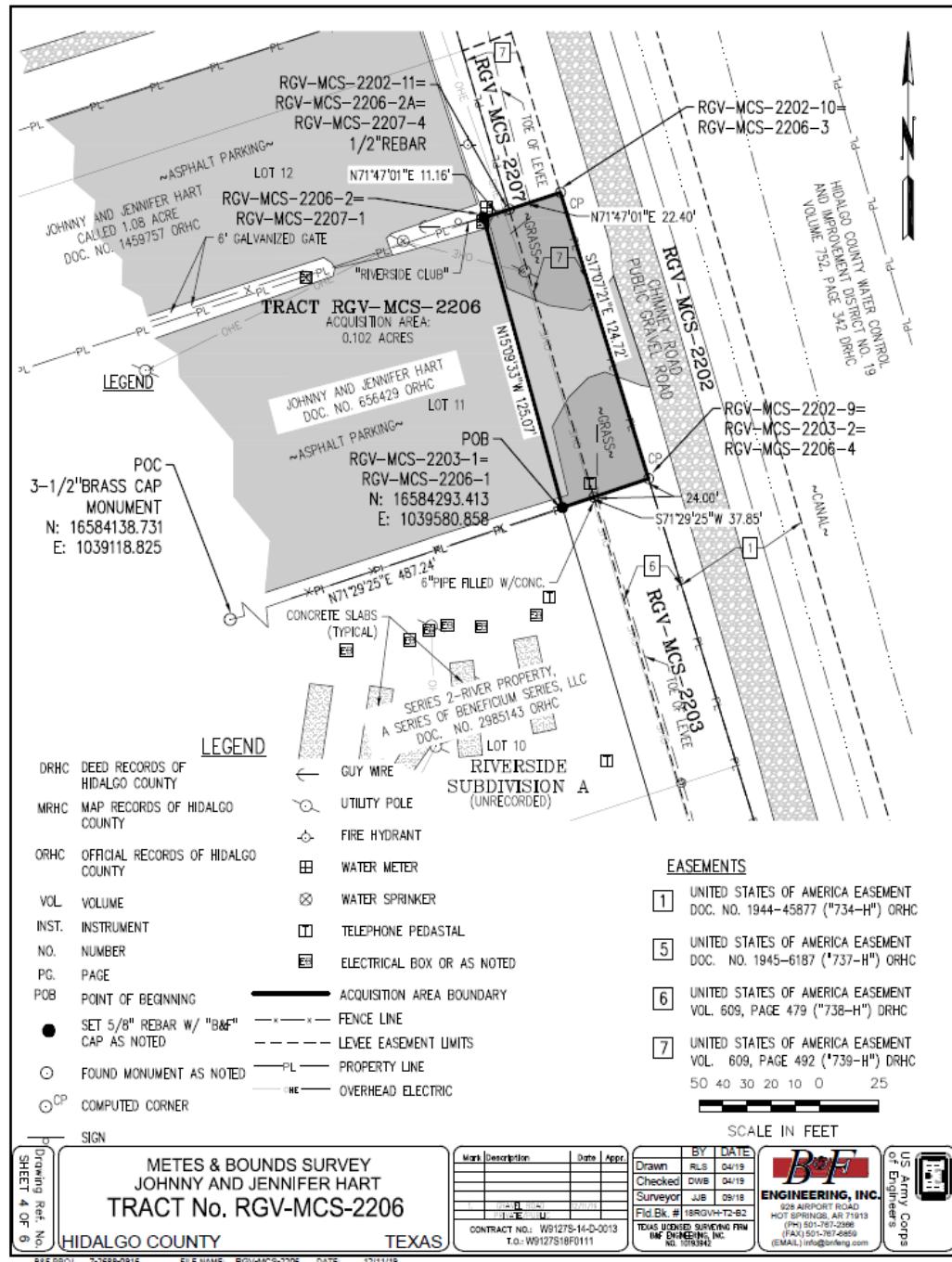
**THENCE:** S 71°11'27" W, along the south line of said Johnny and Jennifer Hart tract and the north line of said John H. Shary tract and the south line of said levee easement (736-H) and the north line of said levee easement (735-H), a distance of 23.85 feet to a 5/8" rebar , designated "RGV-MCS-2207-1-5= RGV-MCS-2211-3= RGV-MCS-2224-1-3", said point being the northwest corner of said John H. Shary tract and the northeast corner of a part of Lot 1 of said unrecorded Riverside Subdivision A, recorded in Document No. 2013-2431931, Official Records of Hidalgo County (O.R.H.C.), Texas, conveyed to Editora Hora Cero S.A. De C.V., said point also being the southwest corner of said levee easement (736-H) and the northwest corner of said levee easement (735-H);

**THENCE:** S 75°07'07" W, along the south line of said Johnny and Jennifer Hart tract and the north line of said Editora Hora Cero S.A. De C.V. tract, a distance of 19.25 feet to a set 5/8" rebar with a "B&F Engineering, Inc." aluminum cap stamped "RGV-MCS-2207-1-6=RGV-MCS-2211-2" for the southwest corner of the herein described proposed acquisition tract;

**THENCE:** N 16°30'18" W, departing the south line of said Johnny and Jennifer Hart tract, passing at 125.43 feet the north line of said Lot 2 and the south line of said Lot 3, and at 250.06 feet the north line of said Lot 3 and the south line of said Lot 4, in total a distance of 316.66 feet to the **POINT OF BEGINNING** and containing 0.371 acres (16,180 square feet) of land, more or less.

# **SCHEDULE**

# **D**

**SCHEDULE D****MAP or PLAT****LAND TO BE CONDEMNED**

Tract: RGV-MCS-2206

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.102

DESCRIPTION	NORTHING	EASTING
RGV-MCS-2203-1=RGV-MCS-2206-1	16584293.413	1039580.858
RGV-MCS-2206-2=RCV-MCS-2207-1	16584414.134	1039548.151
RGV-MCS-2202-11=RGV-MCS-2206-2A=	16584417.621	1039558.748
RGV-MCS-2207-4		
RGV-MCS-2202-10=RGV-MCS-2206-3	16584424.624	1039580.025
RGV-MCS-2202-9=RGV-MCS-2203-2=	16584305.427	1039616.746
RGV-MCS-2206-4		

**GENERAL SURVEYOR'S NOTES:**

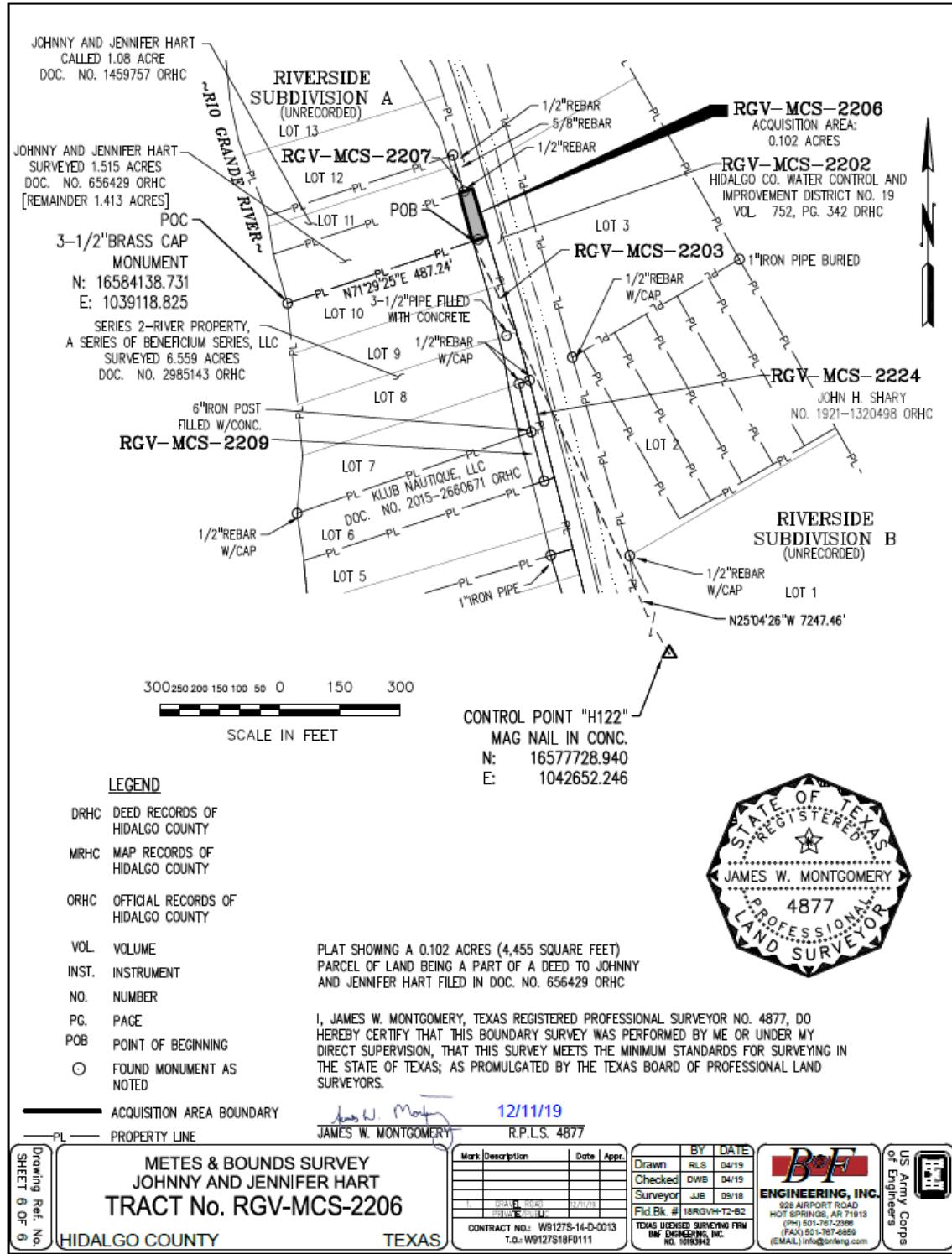
1. THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TXDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPERATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE FIELD DIMENSIONS.
5. FIELD SURVEY WAS COMPLETED IN NOVEMBER, 2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. B&F ENGINEERING, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.
8. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON OCTOBER 9, 2018 (TICKET NO. 1877865798). NO UNDERGROUND UTILITY MARKINGS WERE LOCATED IN THIS AREA.
9. UTILITY EASEMENTS IN THIS AREA ARE BEING RESEARCHED.

SHEET 5 OF 6	<b>METES &amp; BOUNDS SURVEY</b> <b>JOHNNY AND JENNIFER HART</b> <b>TRACT No. RGV-MCS-2206</b> <b>HIDALGO COUNTY TEXAS</b>			B&F PROJ. 7-2688-0316 FILE NAME: RGV-MCS-2206 DATE: 12/11/19
Mark Description	Date	Appr.	By	Date
0-A-10-000 0-B-10-000	07/20/08	07/20/08	Drawn DWB Surveyor Fid Bk. #	04/19 04/19 JJB 18RGV/H-T2-R2
CONTRACT NO.: W91275-14-D-0013 T.O.: W9127518F0111				
<b>B&amp;F</b> <b>ENGINEERING, INC.</b> 1028 AIRPORT ROAD HEDGESVILLE, TEXAS 78591 (PH) 501-767-2366 (FAX) 501-767-4859 (EMAIL) info@bmfeng.com				
U.S. Army Corps of Engineers Surveyor's Control				

Tract: RGV-MCS-2206

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

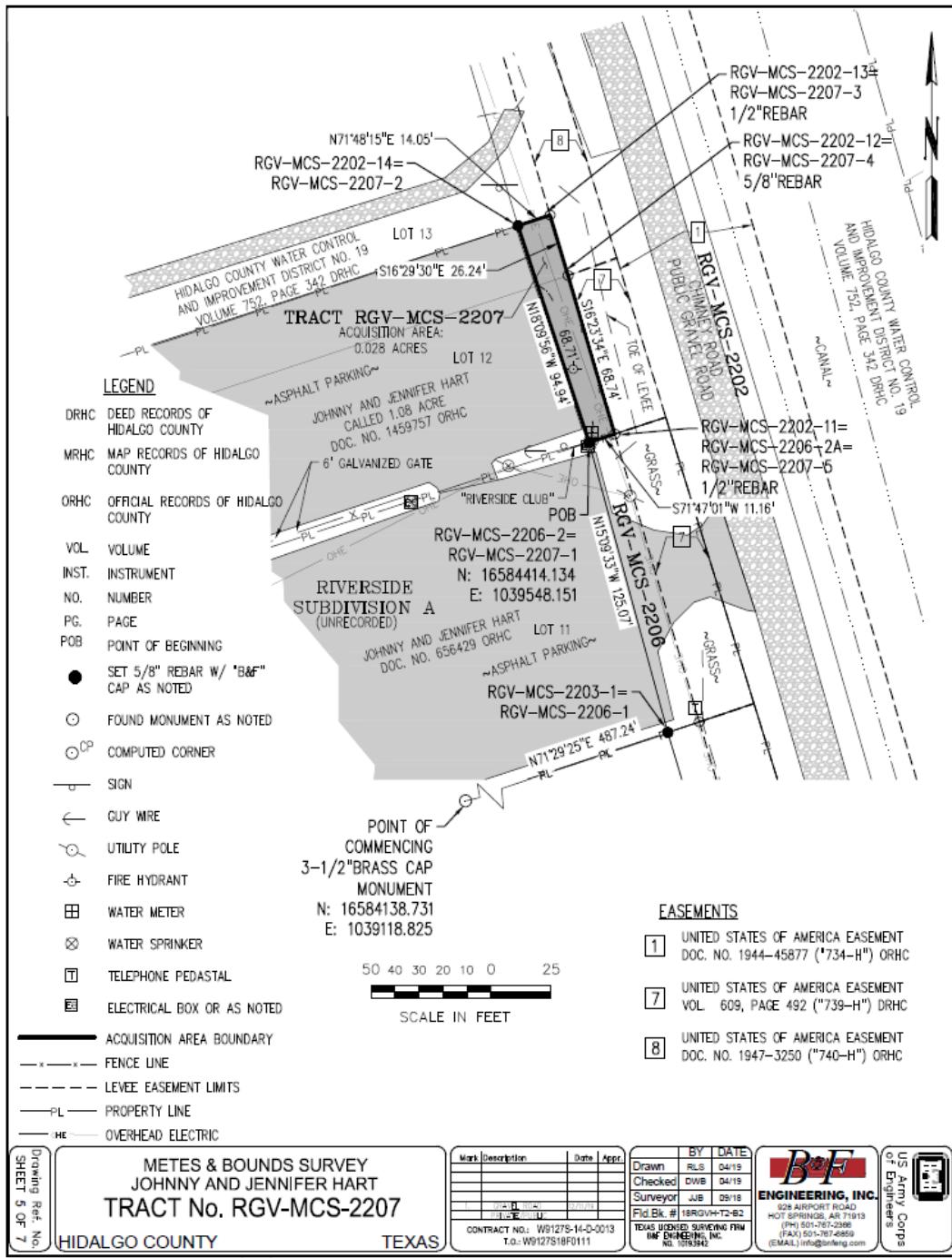
Acres: 0.102



Tract: RGV-MCS-2206

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.102

**SCHEDULE D (CONT'D)****MAP or PLAT****LAND TO BE CONDEMNED**

Tract: RGV-MCS-2207

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.028

DESCRIPTION	NORTHING	EASTING
RGV-MCS-2206-2=RGV-MCS-2207-1	16584414.134	1039548.151
RGV-MCS-2202-14=RGV-MCS-2207-2	16584504.339	1039518.553
RGV-MCS-2202-13=RGV-MCS-2207-3	16584508.726	1039531.900
RGV-MCS-2202-12=RGV-MCS-2207-4	16584483.568	1039539.348
RGV-MCS-2202-11=RGV-MCS-2206-2A=RGV-MCS-2207-5	16584417.621	1039558.748

**GENERAL SURVEYOR'S NOTES:**

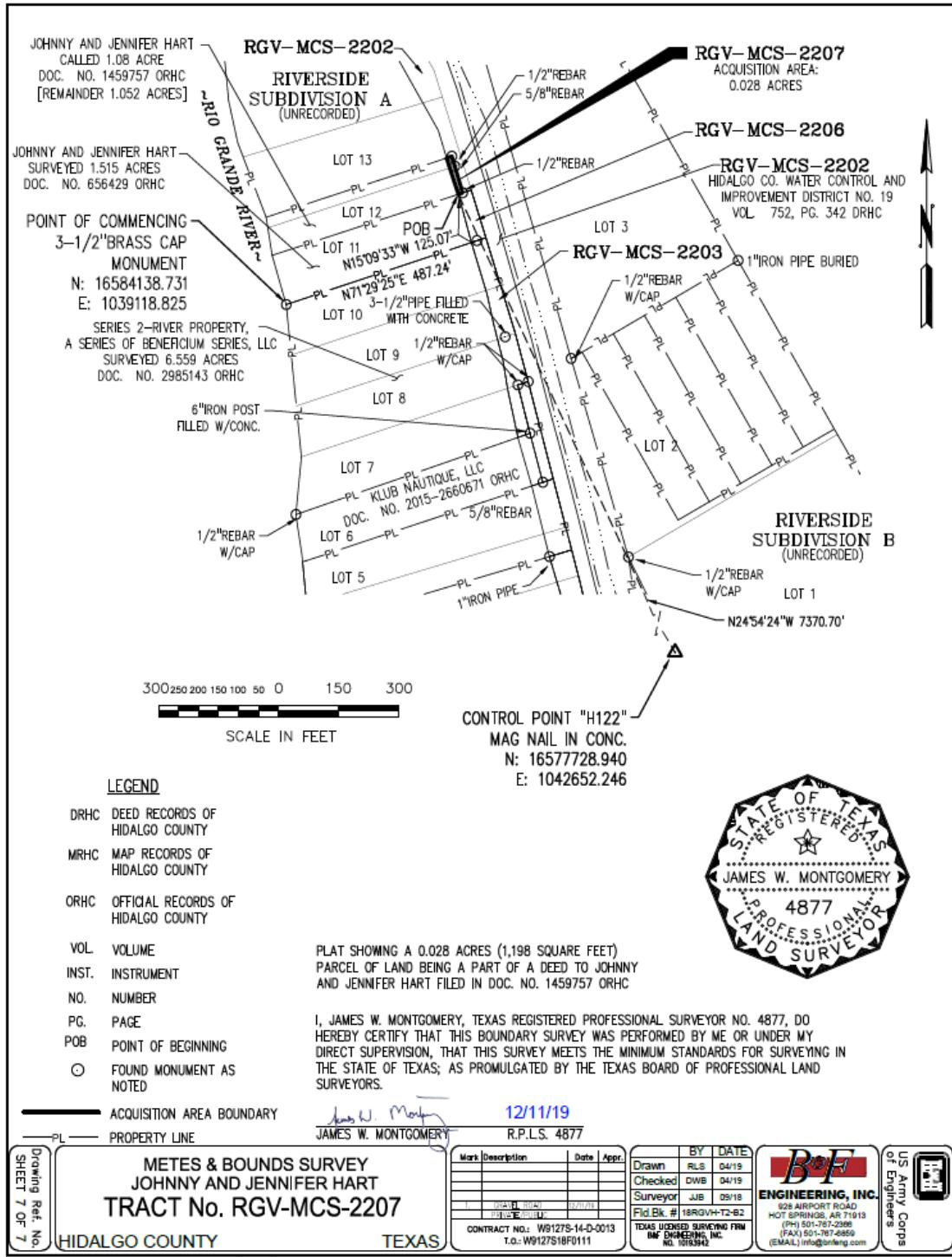
1. THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TXDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID x 1.000040000 = SURFACE).
2. A SEPERATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY WAS COMPLETED IN NOVEMBER, 2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. B&F ENGINEERING, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.
8. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON OCTOBER 9, 2018 (TICKET NO. 1877865798). NO UNDERGROUND UTILITY MARKINGS WERE LOCATED IN THIS AREA.
9. UTILITY EASEMENTS IN THIS AREA ARE BEING RESEARCHED.

Drawing Ref. No.	METES & BOUNDS SURVEY JOHNNY AND JENNIFER HART <b>TRACT No. RGV-MCS-2207</b> HIDALGO COUNTY TEXAS			Mark Description Date Appr.	By Date	Drawing Ref. No.
SHEET 6 OF 7				Drawn RLS 04/19 Checked DWB 04/19 Surveyor JJB 29/18 Fld.Bk. # 1RGVH72-B2	928 AIRPORT ROAD HOT SPRINGS, AR 71913 TEXAS LICENSED SURVEYING FIRM IMF DIVISION INC. NHL 178346	B&F ENGINEERING, INC. 928 AIRPORT ROAD HOT SPRINGS, AR 71913 (FAX) 501-767-6959 (EMAIL) info@bfneng.com
B&F PROJ. 7-2688-0915 FILE NAME: RGV-MCS-2207 DATE: 12/11/19						US Army Corps of Engineers

Tract: RGV-MCS-2207

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.028



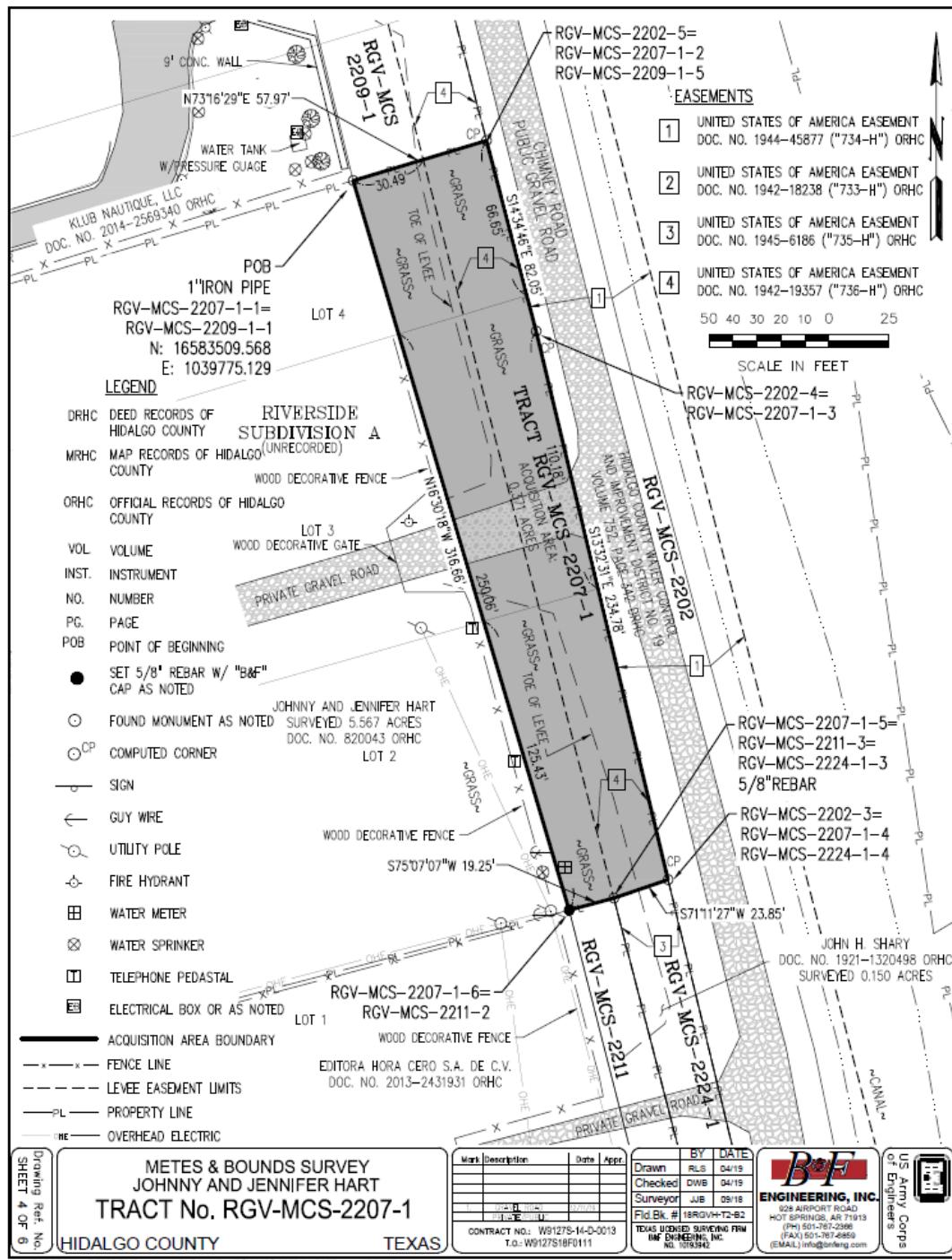
Tract: RGV-MCS-2207

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.028

**SCHEDULE D (CONT'D)**

### MAP or PLAT



## LAND TO BE CONDEMNED

Tract: RGV-MCS-2207-1

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.371

DESCRIPTION	NORTHING	EASTING
RGV-MCS-2207-1-1=RGV-MCS-2209-1-1	16583509.568	1039775.129
RGV-MCS-2202-5=RGV-MCS-2207-1-2=	16583526.250	1039830.642
RGV-MCS-2209-1-5		
RGV-MCS-2202-4=RGV-MCS-2207-1-3	16583446.842	1039851.296
RGV-MCS-2202-3=RGV-MCS-2207-1-4=	16583218.592	1039906.271
RGV-MCS-2207-1-5=RGV-MCS-2211-3=	16583210.903	1039883.698
RGV-MCS-2207-1-6=RGV-MCS-2211-2	16583205.959	1039865.091

## GENERAL SURVEYOR'S NOTES:

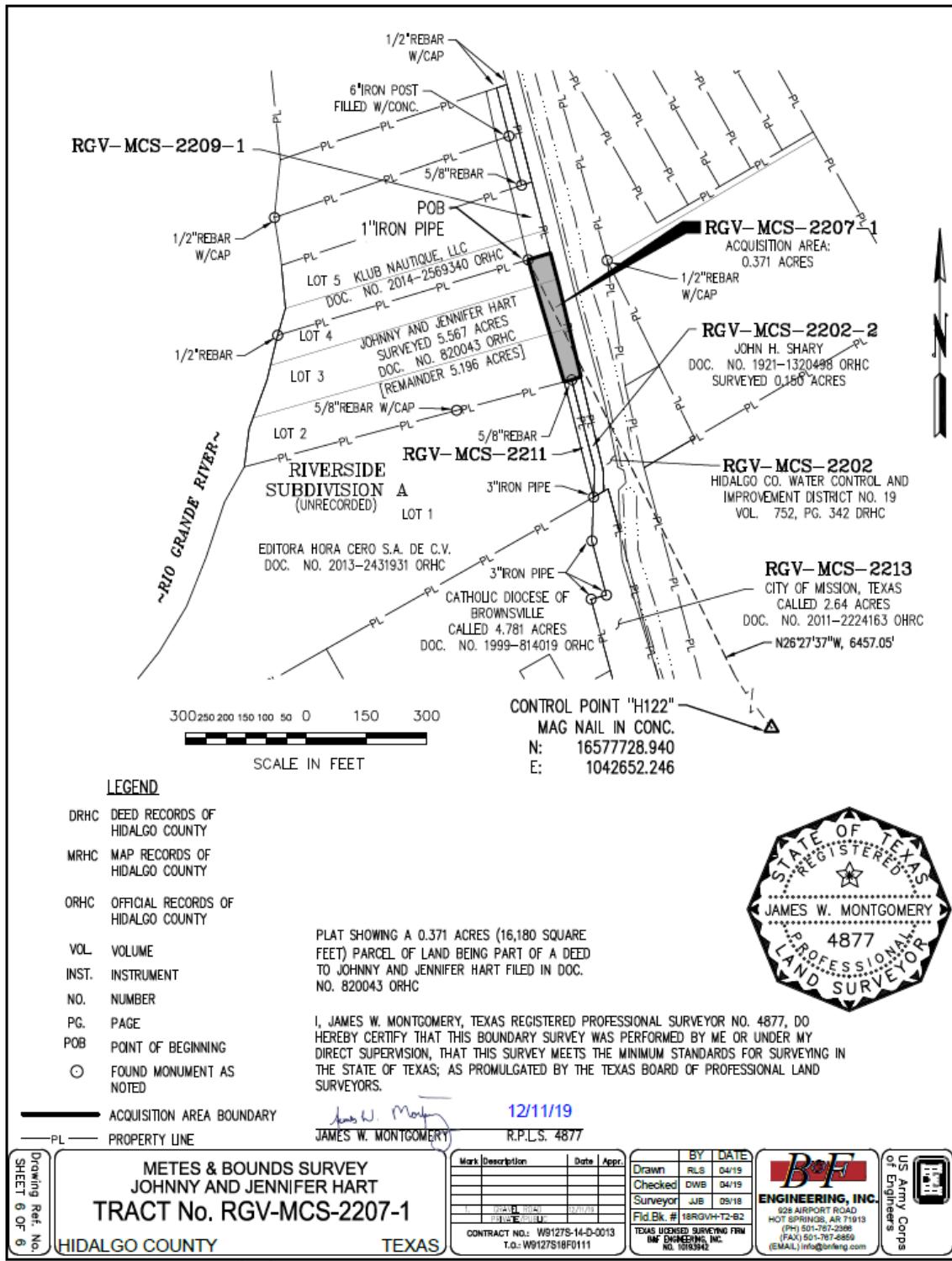
1. THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TXDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPERATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE SURVEYED FIELD DIMENSIONS.
5. FIELD SURVEY WAS COMPLETED IN NOVEMBER, 2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. B&F ENGINEERING, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.
8. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON OCTOBER 9, 2018 (TICKET NO. 1877865798). NO UNDERGROUND UTILITY MARKINGS WERE LOCATED IN THIS AREA.
9. UTILITY EASEMENTS IN THIS AREA ARE BEING RESEARCHED.

Drawing Ref. No. SHEET 5 OF 6	METES & BOUNDS SURVEY JOHNNY AND JENNIFER HART TRACT No. RGV-MCS-2207-1 HIDALGO COUNTY TEXAS			Mark Description	Date	Appr.	BY DATE
				Drawn	RLS	04/19	
				Checked	DWB	04/19	
				Surveyor	JJB	09/18	
				Fld Blk. #	18RGVH-T2-B2		
				TEXAS LICENSED SURVEYING FIRM B&F ENGINEERING, INC. NO. 10193942			
				 B&F ENGINEERING, INC. 1800 AIRPORT ROAD HOT SPRINGS, AR 71913 (PH) 501-767-2866 (FAX) 501-767-2859 (EMAIL) info@bfeing.com			
				 U.S. Army Corps of Engineers			

Tract: RGV-MCS-2207-1

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.371



Tract: RGV-MCS-2207-1  
 Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*  
 Acres: 0.371

# **SCHEDULE**

# **E**

**SCHEDULE E**

**ESTATE TAKEN**

Hidalgo County, Texas

Tracts: RGV-MCS-2206, RGV-MCS-2207, RGV-MCS-2207-1

Owner: Johnny R. Hart and Jennifer L. Hart, *et al.*

Acres: 0.501

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in the following Warranty Deed(s) Document No. 1998-656429, Official Records of Hidalgo County (O.R.H.C.), Document No. 2005-1459757, Official Records of Hidalgo County (O.R.H.C.), and Document No. 1999-820043, Official Records of Hidalgo County (O.R.H.C.); (Hidalgo County Appraisal District Property ID Nos. 1013698, 271342, and 271338), reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

**SCHEDELE E (CONT'D)**



# **SCHEDULE**

# **F**

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the all lands being taken in this action is FOUR HUNDRED THIRTY-SIX THOUSAND, ONE DOLLAR AND NO/100 (\$436,001.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto. This sum estimated just compensation is comprised of the following portions:

**TRACT RGV-MCS-2206 and TRACT RGV-MCS-2207:**

The sum estimated as just compensation for the land acquired is THREE HUNDRED NINETY-TWO THOUSAND, ONE HUNDRED FIFTY-NINE DOLLARS AND 00/100 (\$392,159.00).

**TRACT RGV-MCS-2207-1:**

The sum estimated as just compensation for the land acquired is FORTY-THREE THOUSAND, EIGHT HUNDRED, FORTY-TWO DOLLARS AND 00/100 (\$43,842.00).

# **SCHEDULE**

# **G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>Johnny R. Hart</b> [REDACTED] Mission, Texas 78537	<b>Tract RGV-MCS-2206</b> Warranty Deed with Vendor's Lien, Document #1998-656429; filed February 20, 1998, Official Records of Hidalgo County
<b>Jennifer L. Hart</b> [REDACTED] Mission, Texas 78537	<b>Tract RGV-MCS-2207</b> Special Warranty Deed, Document #2005-1459757; filed April 15, 2005, Official Records of Hidalgo County
<b>U.S. Small Business Administration</b> 10737 Gateway West #320 El Paso, Texas 79933	<b>Tract RGV-MCS-2207-1</b> Warranty Deed with Vendor's Lien, Document #1999-820043; filed November 3, 1999, Official Records of Hidalgo County
<b>Ray A. Gonzales, Trustee for Falcon International Bank</b> 5219 McPherson Road Laredo, Texas 78041	<b>Tract RGV-MCS-2206</b> Deed of Trust, Document #2010-2139210; filed September 20, 2010, Official Records of Hidalgo County
<b>Hidalgo County</b> Pablo (Paul) Villarreal Jr. Tax Assessor-Collector 2804 S. Business Hwy 281 Edinburg, TX 78539 (956) 318-2157	Taxing Authority <b>Tract RGV-MCS-2206</b> Warranty Deed with Vendor's Lien, Document #1998-656429; filed February 20, 1998, Official Records of Hidalgo County
	<b>Tract RGV-MCS-2207</b>

	<p>Special Warranty Deed, Document #2005-1459757; filed April 15, 2005, Official Records of Hidalgo County</p> <p><b>Tract RGV-MCS-2207-1</b> Warranty Deed with Vendor's Lien, Document #1999-820043; filed November 3, 1999, Official Records of Hidalgo County</p>
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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 899 Administrative Procedure
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): \_\_\_\_\_

## VI. CAUSE OF ACTION

Brief description of cause: \_\_\_\_\_

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions): \_\_\_\_\_

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.